

Message

From: Kim, Lena [Kim.Lena@epa.gov]
Sent: 6/29/2021 1:01:54 PM
To: Maslowski, Steven [Maslowski.Steven@epa.gov]; Rogers, Rick [rogers.rick@epa.gov]
CC: Zolandz, Mark [Zolandz.Mark@epa.gov]; Lazos, Pamela [Lazos.Pamela@epa.gov]
Subject: RE: REQUEST BY 6/29 AT NOON- clarification on CRW

Noted, thx much, Steve!

Lena Adams Kim, Ph.D.
Senior Communications Strategist
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1650 Arch Street
Philadelphia, PA 19103
kim.lena@epa.gov
215.814.3117

From: Maslowski, Steven
Sent: Tuesday, June 29, 2021 8:07 AM
To: Kim, Lena <Kim.Lena@epa.gov>; Rogers, Rick <rogers.rick@epa.gov>
Cc: Zolandz, Mark <Zolandz.Mark@epa.gov>; Lazos, Pamela <Lazos.Pamela@epa.gov>
Subject: RE: REQUEST BY 6/29 AT NOON- clarification on CRW

Lena,

I added a bullet that Pam and I thought was the highlight. Please feel free to edit.

Capital Region Water (CRW): On May 6, 2021 the Environmental Integrity Project (EIP) on behalf of the Lower Susquehanna Riverkeeper Association filed a Motion to Intervene (MTI) as a plaintiff in the matter *U.S. et al v. Capital Region Water Case*. EIP's motion stated that since EPA's letter to CRW dated July 6, 2018 found CRW's Long Term Control Plan (LTCP) deficient in its failure to control CSO overflows, CRW has not made sufficient progress in developing a new plan. The plaintiffs and CRW agreed to meet with EIP to discuss the progress that has been made in developing the final LTCP and a modified Partial Consent Decree (CD). However, EIP conditioned its participation at such meeting on plaintiffs agreeing to entering a "common interest agreement" with EIP which would grant them a full seat at the negotiation table. **Ex. 5 AC / Ex. 7(A)**

Ex. 5 Deliberative Process (DP)

Ex. 5 AC / Ex. 7(A)

Ex. 5 AC / Ex. 7(A)

with PADEP, CRW, and the City of Harrisburg.

- Ex. 5 AC / Ex. 7(A)**

On June 16, 2021, EIP filed a Reply Memorandum in Further Support of its MTI. Now the Court must make the decision as to whether to allow LSRA to become co-plaintiffs. DOJ expects to send CRW the revised Partial CD to CRW the week of June 28, 2021. **Steve Maslowski, ECAD (215) 814-2371, & Pam Lazos, ORC (215) 814-2658**

Steve Maslowski
NPDES Section
EPA Region III

215-814-2371

From: Kim, Lena <Kim.Lena@epa.gov>
Sent: Tuesday, June 29, 2021 6:23 AM
To: Rogers, Rick <rogers.rick@epa.gov>
Cc: Zolandz, Mark <Zolandz.Mark@epa.gov>; Gieda, Allison <Gieda.Allison@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>
Subject: REQUEST BY 6/29 AT NOON- clarification on CRW

Rick and team, thanks! The Nonresponsive based on revised scope bullets can be used as is and it's clear exactly what we are asking Diana to relay to PADEP.

REQUEST: For CRW, can you (or team) clarify for me, in a brief statement, WHAT IS THE MAIN TAKEAWAY WE WISH FOR THE RA TO RELAY when she speaks with the state secretary? It's not clear hear, and I will be reformatting this info so she can use them as talking points.

Thanks!!!
Lena

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From: Rogers, Rick
Sent: Monday, June 28, 2021 5:16 PM
To: Kim, Lena <Kim.Lena@epa.gov>
Cc: Zolandz, Mark <Zolandz.Mark@epa.gov>; Gieda, Allison <Gieda.Allison@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>
Subject: FW: ACTION BY TUES, 6/29: input for monthly State Secty call - PADEP & WVDEP

Lena,

Here are two updates: the Nonresponsive based on revised scope and the CRW cases, below, for the RA/PADEP Secretary's call.

Thank you Mark and Steve!

Rick

Rick Rogers, Chief
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Nonresponsive based on revised scope

Ex. 5 AC / Ex. 7(A)

From: Gieda, Allison <Gieda.Allison@epa.gov>
Sent: Thursday, June 24, 2021 11:52 AM
To: Zolandz, Mark <Zolandz.Mark@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>
Subject: FW: ACTION BY TUES, 6/29: input for monthly State Secty call - PADEP & WVDEP

Hi Mark and Steve –

Please see Rick's email below. It looks like we will need an update on Nonresponsive based on revised scope and CRW by Tuesday morning. I am going to send out a separate email asking for any issues that need to be raised to the WVDEP secretary as well.

Thanks and please let me know if you have any questions.

Sincerely,
Allison

From: Rogers, Rick <rogers.rick@epa.gov>
Sent: Thursday, June 24, 2021 10:12 AM
To: Gieda, Allison <Gieda.Allison@epa.gov>
Subject: FW: ACTION BY TUES, 6/29: input for monthly State Secty call - PADEP & WVDEP

Hi Allison:

We probably should provide an update for this meeting between Diana and PADEP's Secretary (I think its usually with the Assistant Secretary). Can you get staff in motion to provide updates on the cases listed below: Nonresponsive based on revised scope and CRW? Lena will need them by Tuesday morning. Just use the same format that was used last month, examples below.

I can't think of anything that needs to be raised to the WVDEP secretary but if you or other staff have something in mind we can include that, too.

Thanks!

Rick

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From: Kim, Lena <Kim.Lena@epa.gov>
Sent: Thursday, June 24, 2021 8:52 AM
To: R3 ECAD_MGRs <R3_ECAD_MGRs@epa.gov>
Subject: ACTION BY TUES, 6/29: input for monthly State Secty call - PADEP & WVDEP

By the next Tues, June 29 managers meeting, please submit your proposal for any critical hot and/or emerging issues that you feel the RA should raise during his monthly meeting with **PADEP and WVDEP**.

You have the option of either emailing me PRIOR to the managers meeting (preferred), or raising the topic during the meeting to confirm it should be included this month.

Pls respond to this email with "no input" if no hot issues for your group.

For context, we submitted the following topics last month:

For PADEP:

Nonresponsive based on revised scope

Nonresponsive based on revised scope

EPA and PADEP response to Capitol Region Water (CRW) Motion to Intervene::

- PADEP, the DOJ (EPA), and Capital Region Water are submitting separate briefs to oppose the Lower Susquehanna Riverkeeper Association (LDRA) Motion to Intervene in a consent decree already entered by the Court by May 27.
- **Ex. 5 DPP / Ex. 7(A)**
- Background: On May 7, LSRA, with assistance from the Environmental Integrity Project, filed a Motion to Intervene in the federal district court in a CWA case brought by the U.S. and PADEP against CRW and the City of Harrisburg for alleged failure to implement an approvable Long-Term Control Plan under the Partial Consent Decree to stem the flow of combined sewage into the Susquehanna.

Nonresponsive based on revised scope

For WVDEP:

Nonresponsive based on revised scope

Nonresponsive based on revised scope

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